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December 22, 2020

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**VIA ECF**

The Honorable Gregory H. Woods  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007

**MEMORANDUM ENDORSED**

Re: *K&S Produce Inc. v. 100 Broad Street LLC a/k/a Essen Food, et. al.*  
Case No. 20-cv-08786

Dear Judge Woods:

This law firm represents the plaintiff, K&S Produce Inc. (the "Plaintiff") in the referenced action. We write to Your Honor in connection with the filing deadlines contained within the Notice of Initial Pretrial Conference filed herein on October 23, 2020 (the "Notice") and the telephone Pretrial Conference scheduled for December 29, 2020 (the "Conference") (collectively, *Dkt. # 8*). For the reasons set forth below, Plaintiff hereby requests that the filing deadlines contained within the Notice and appearance at the Conference be excused, as the defendants herein have not answered or appeared in this action.

All of the defendants in this action were served with the summons and complaint on December 1, 2020. *See Dkt. Nos. 11-15*. To date, none of the defendants have answered or appeared in this action, nor have any of the defendants contacted our office, either personally or through an attorney. Accordingly, the defendants remain in default, and our office will be submitting the appropriate request for entry of a Clerk's Certificate of Default within the next couple of weeks.

To that end, it is respectfully requested the deadlines contained within the Notice for the filing of a joint status letter and Proposed Civil Case Management Plan and Scheduling Order be vacated and appearance at the Conference scheduled for December 29, 2020 be excused.

Respectfully submitted,

Timothy J. Fierst

TJF:mc

Application granted in part. The initial pretrial conference scheduled for December 29, 2020 is adjourned to February 22, 2021 at 4:00 p.m. The deadline for the parties to submit the joint letter and proposed case management plan referenced in *Dkt. No. 8*, is extended to February 15, 2021. The Court expects that any application for an order to show cause as to why default judgment should not be entered will be filed by no later than January 15, 2021.

SO ORDERED.

Dated: December 22, 2020



GREGORY H. WOODS  
United States District Judge